

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

MIKE LEAL GUERRERO,
TDCJ #567945,

Plaintiff,

v.

MELANIE POTTER, *et al.*,

Defendants.

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CIVIL ACTION NO. H-06-0881

ORDER

On March 20, 2006, this Court dismissed the civil rights suit filed by state inmate Michael Leal Guerrero. Guerrero has filed a notice of appeal from that decision, but he has neither paid the appellate filing fee (\$455.00). Although Guerrero has submitted a motion for leave to proceed *in forma pauperis*, he has failed to include a certified copy of his inmate trust fund account statement as required by 28 U.S.C. § 1915(a)(2). Accordingly, it is **ORDERED** that the pending motion for leave to proceed *in forma pauperis* on appeal (Doc. #8) is **DENIED** at this time.

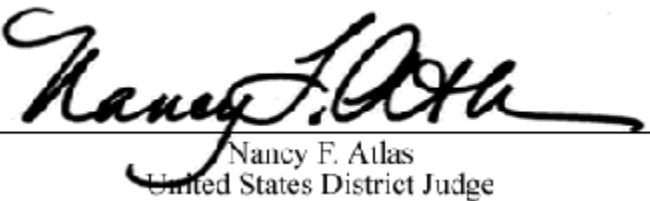
So that the plaintiff's appeal can be processed, the Clerk shall file the notice of appeal without prepayment of the appellate filing fee.

For this appeal to proceed, however, the plaintiff must submit either: (1) the filing fee of \$455.00; *or* (2) a completed application to proceed *in forma pauperis* together with a certified copy of an inmate trust account statement in compliance with 28 U.S.C. § 1915(a)(2). The plaintiff is **ORDERED** to comply as directed within thirty days of the

date this order is entered.

The Clerk will provide a copy of this order to the plaintiff.

SIGNED at Houston, Texas, on **April 24, 2006.**



Nancy F. Atlas
United States District Judge